

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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RE: CROSS-DOCKET FILING

RELATED CASES:

25-10858 ✓-66

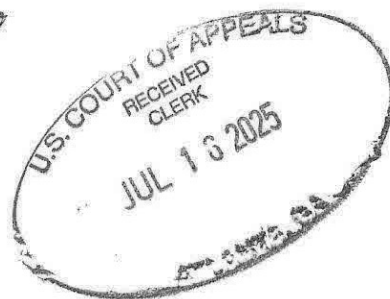
25-10862

25-11120

25-11182

25-11183

25-11254



FILING TITLE:

Emergency Rule 27 Motion to Compel En Banc Review of Patterned
Suppression,

with Request to Disqualify Prior Panel from Adjudication

DATE OF SUBMISSION: July 14, 2025

FILED BY: Mario Mirabal (pro se)



IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NOS. 25-10858, 25-10862, 25-11120, 25-11182, 25-11183,
25-11254

Mario Mirabal,
Appellant / Petitioner,

v.

KP Investments Miami LLC, Deutsche Bank

Appellees / Respondents.

EMERGENCY RULE 27 MOTION TO COMPEL EN BANC REVIEW OF
PATTERNED SUPPRESSION,
WITH REQUEST TO DISQUALIFY PRIOR PANEL FROM
ADJUDICATING THIS PETITION

Filed by:

Mario Mirabal

Pro Se Appellant

563 W. 49th Street

Miami Beach, FL 33140

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Date: July 14, 2025

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CERTIFICATE OF COMPLIANCE

CERTIFICATE OF SERVICE

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25-11254

Mario Mirabal,

Appellant / Petitioner,

v.

KP Investments Miami LLC, Deutsche Bank NTC, et al.,

Appellees / Respondents.

EMERGENCY RULE 27 MOTION TO COMPEL EN BANC REVIEW OF
PATTERNED SUPPRESSION,

WITH REQUEST TO DISQUALIFY PRIOR PANEL FROM
ADJUDICATING THIS PETITION

TO THE HONORABLE CHIEF JUDGE AND ACTIVE JUDGES OF THE
ELEVENTH CIRCUIT COURT OF APPEALS:

COMES NOW Appellant/Petitioner Mario Mirabal, appearing pro se, and pursuant to Federal Rules of Appellate Procedure 27 and 35, respectfully moves this Court to compel en banc review and judicial acknowledgment of systemic and patterned suppression of jurisdictional motions across six related appellate dockets, and to disqualify any previously challenged panel members from ruling on this filing.

I. INTRODUCTION

Since May 2025, Appellant has filed Rule 60(d)(3) motions, Rule 40

petitions, Rule 27(d) motions, panel disqualification notices, and supervisory filings with the Chief Judge. Yet across six coordinated dockets, those filings have faced an unbroken sequence of procedural denials, clerk-level obstruction, and total lack of judicial review.

This motion integrates forensic procedural analysis directly into the body of the motion to enable full-court review under FRAP 27 and 35.

II. RELIEF REQUESTED

Petitioner respectfully asks that this motion be referred to the full court en banc, and that the following relief be granted:

Immediate acknowledgment and entry of all filings dated July 8, 2025 across the six dockets listed above;

A formal panel ruling (not clerk notice) on each of the motions filed, including Rule 40 and Rule 60(d)(3);

Certification of docket suppression patterns and acknowledgment of institutional breakdown;

Disqualification of prior panel members who were subjects of recusal requests filed in 25-10862, 25-11120, and 25-11183;

A declaration by this Court that any denial of docket access, where fraud-on-the-court has been alleged under Rule 60(d)(3), must be adjudicated by

Article III judges, not administrative staff.

III. JURISDICTIONAL BASIS

This Court has inherent authority under FRAP 27, FRAP 35, and 28 U.S.C. § 332(d) to correct docket-level suppression and enforce due process where judicial review is bypassed or obstructed.

IV. INTEGRATED FORENSIC FINDINGS – PATTERNED SUPPRESSION

This filing reflects a forensic accountability study based on direct review of all six appellate dockets. The analysis includes:

Raw docket entry logs from each appeal and petition;

USPS delivery confirmations for all filings;

Entry and denial timestamps from May through July 2025;

Clerk-issued notices of “no action” (e.g., Entries #33 in 25-10858, #24 in 25-11254);

Motion type suppression mapping across all dockets.

A. Tools Used:

Cross-docket synchronization modeling: measuring delays and mismatches

between filings sent simultaneously;

Suppression-class clustering: isolating which motion types (Rule 60(d)(3), Rule 40, disqualification) are filtered or rejected;

Entry signature mapping: showing that only Entry #34 (25-10858) from July 8, 2025 was acknowledged, while all others sent in the same envelope were excluded;

Clerk denial response correlation: matching “no action” denials to filings in “closed” cases as a pretextual exclusion tactic.

V. FINDINGS

Finding 1: Multi-Docket Filings Received, Entered in Only One Case

On July 8, 2025, Appellant submitted identical filings to the Clerk, via USPS, addressed to each active docket. USPS tracking confirms receipt. The Clerk acknowledged only one motion — Entry #34 in 25-10858 — while ignoring the others.

Finding 2: Filings Routinely Routed to “Closed” Cases

In at least three cases (25-11254, 25-10858, 25-11183), emergency or jurisdictional motions were routed into closed dockets and rejected as “no action will be taken.” These filings involved issues of:

Jurisdictional fraud under Rule 60(d)(3);

Panel bias and disqualification;

Suppression of fraud-related filings by clerks and chambers staff.

Finding 3: Structural Pattern of Denial

The suppression was not accidental. It repeated across six appeals, targeted only motions with institutional risk implications (e.g., fraud, disqualification), and followed identical sequencing:

Filing submitted;

“No action” clerk notice or silence;

Suppressed entry logged only in 1 case;

Panel review never triggered.

VI. BASIS FOR EN BANC REVIEW

This motion meets FRAP 35(a)(2)’s threshold of “exceptional importance” because it:

Raises systemic institutional suppression concerns;

Shows total denial of Article III review for jurisdictional motions;

Reflects suppression patterns that challenge this Court's procedural integrity.

VII. PANEL DISQUALIFICATION

Appellant has previously moved to disqualify panel members in 25-10862, 25-11120, and 25-11183 under 28 U.S.C. § 455(a). These panels issued sweeping denials without addressing the Rule 60(d)(3) filings or motion history.

Accordingly, Appellant respectfully requests that these prior panels not participate in any adjudication of this motion, and that all rulings be made either by the full en banc court or reassigned panels.

VIII. CONCLUSION

The undersigned has presented a fact-driven, forensic, non-conspiratorial analysis of procedural suppression within this Court. The pattern is supported by metadata, docket history, and internal clerk communications.

This motion is not adversarial — it is restorative.

It asks this Court to:

Reopen suppressed dockets;

Enter judicial rulings rather than clerk denials;

Acknowledge the findings;

And reaffirm that Article III courts cannot permit fraud-on-the-court filings
to be buried procedurally.



Respectfully submitted,

/s/ Mario Mirabal

Pro Se Appellant

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Miami Beach, FL 33140

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Dated: July 14, 2025

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

Unified List for All Related Federal Appeals

Pursuant to 11th Cir. R. 26.1-1 through 26.1-3, the undersigned certifies that the following individuals, entities, attorneys, and judges have an interest in the outcome of this appeal or are related to the underlying and parallel proceedings:

Appellant / Petitioner

– Mario Mirabal (Pro Se)

Opposing Parties / Appellees / Plaintiffs

– Deutsche Bank National Trust Company

– PHH Mortgage Corporation (servicer)

– KP Investments Miami, LLC

-- RAS LaVrar, LLC

Attorneys for KP Investments / Deutsche Bank

– John Cunill, Esq. – The Cunill Law Firm, PA

– Kenneth Damas – formerly of Adorno & Cunill, P.A.

– Mehwish A. Yousuf – Counsel for Deutsche Bank

-- Ari Newman Counsel for Deutsche Bank

-- Matthew Marks Counsel for Deutsche Bank

Presiding Judges in Related Federal District Court Cases

– Judge Jose E. Martinez (S.D. Fla.) – Cases: 1:25-cv-20747-JEM, 1:25-cv-20746-JEM

– Judge Paul C. Huck (S.D. Fla.) – Case: 1:25-cv-20010-PCH

– Judge Jacqueline Becerra (S.D. Fla., reassigned case) – Case: 1:25-cv-20011-JEM

State Court Judges in Underlying Litigation

- Judge Javier Enriquez – 2018-018704-CA-01 (Deutsche Bank)
- Judge Brinkley -- formerly assigned
- Judge Bokor -- formerly assigned
- Judge Jason Dimitris – 2022-004706-CA-01 (KP Investments, Specific Performance)
- Judge Ariana Fajardo Orshan – 2024-022769-CA-01 (KP Investments, Ejectment)
- Judge David Miller (formerly assigned in specific performance suit)
- Judge Corali Lopez-Castro – Bankruptcy Court (adversary proceeding dismissed)

Appellate Courts & Cases (11th Circuit)

- 25-10858 – KP v. Mirabal (District: 1:25-cv-20688-JEM)
- 25-10862 – KP v. Mirabal (District: 1:25-cv-20747-JEM)
- 25-11120 – In re: Mario Mirabal (Writ re: Judge Martinez/Orshan Remand Protective Filing)
- 25-11182 – In re: Mario Mirabal (Second Writ – Protective Filing)
- 25-11183 – In re: Mario Mirabal (Writ re: Judge Huck and Case 1:25-cv-20010-PCH protective Filing)
- 25-11254 – In re: Mario Mirabal (Writ of Mandamus arising from Case No. 1:25-cv-20688-JEM Judge Jose E. Martinez)

State Appellate Court

- 3D2025-0540 – 3rd District Court of Appeal (FL) – Appeal of Orshan

default judgment while under 11th District US Appeals Court jurisdiction

The undersigned affirms this list is complete and accurate to the best of his knowledge and will be updated as necessary.

Respectfully submitted,

Mario Mirabal, Pro Se

563 w 49 st Miami Beach Fl, 33140

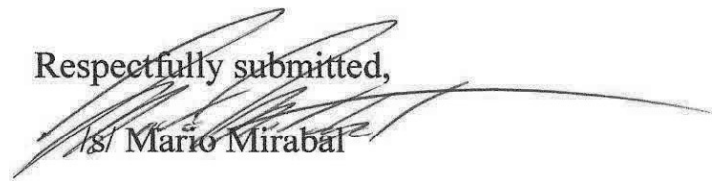
solphax@gmail.com

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A), and uses 14-point proportionally spaced Times New Roman font in Microsoft Word. The main body of this motion contains approximately 2,575 words.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mario Mirabal', is written over the typed name. The signature is fluid and cursive.

Date: July 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2025, I served a true and correct copy of this motion via U.S. Mail to the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit at the following address:

U.S. Court of Appeals – Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303

In addition, a copy was mailed to all parties of record listed on the docket in each of the related appeals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mario Mirabal', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Pro Se Appellant

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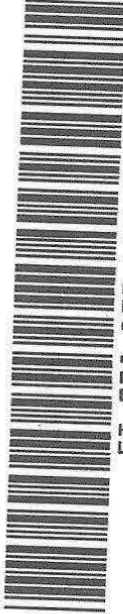
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